IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWELVETH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 8087 of 2005

Between:

1. S.Ramachandraiah, s/o Asirvadam, r/o Batchumpalli Village, Palempalli (P) Kadapa Mandal and District.

2. G.Tirupalaiah, s/o Munuswamy, r/o Venkatapalli Village, P.Kothaipalli (P) Siddavattam Mandal, Kadapa District.

3. B.Sriramulu, s/o Seshaiah, Pittugunta Village, Kasinayani Mandal, Kadapa District.

..... PETITIONERS

AND

1. The A.P.State Road Transport corporation, rep., by its Vice

Chairman and Managing Director, Musheerabad, Hyderabad.

2 The A.P.State Road Transport Corporation rep., by its

Regional Manager, Kadapa.

3 The Personnel Manager, Kadapa Region, o/o Regional

Manager, Kadapa Region, Kadapa.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more in the nature of writ of mandamus declaring the action of the second respondent in issuing the proceedings vide No.E6/684(1)/99-RM'C', dated 19-10-2002 (similar proceedings/notices were issued to all the petitioners) deleting the names of the petitioners from the list of drivers panel alleging that they did not report to duty during the strike period without issuing any notice and without conducting any enquiry as illegal, unjust,

arbitrary and contrary to the regulations of the corporation and as such liable to be set aside in the interest of justice with a consequential direction to continue the petitioners as drivers forthwith by paying the wages for the period out of their employment.

Counsel for the Petitioner:MR.V.RAVI KIRAN RAO

Counsel for the Respondent No.: MR.P.VINAYAKA SWAMY (SC FOR APSRTC)

The Court at the admission stage made the following :

–

–

–

–

–

–

–

–

–

–

–

–

–

–

–

–

–

–

–

–

–

ORDER:

For declaring the action of the second respondent in issuing the proceedings, dated 19-10-2002 to the petitioners deleting their names from the list of drivers panel, as illegal and arbitrary, and consequently, to direct the respondents to continue them as drivers by paying the wages for the period out of their employment forthwith, the present writ petition is filed.

The contention of the petitioners is that they were appointed as drivers in the Respondents-Corporation on the basis of regular selection. After successful completion of training, they were allotted duties in Kadapa region in the year 1999. During the period of strike of the regular employees from 15-10-2001 to 7-11-2001, they were directed to report to duty, but they did not report to duty due to lack of information. Subsequently, when they reported to duty, they were informed that their names were deleted from the selection list without issuing any charge sheet or show cause notice. The respondents issued proceedings dated 19-10-2002 deleting their names from the approved list of selected candidates. Hence, the writ petition.

It is an undisputed fact that the petitioners were selected on the basis of regular selection. Their services were being utilized as casual drivers as and when required. The impugned proceedings were issued to them on 19-10-2002 stating that a paper notification was given through the leading daily Newspapers calling them to report to duty during the strike period from 15-10-2001 to 7-11-2001, failing which their names will be deleted from the approved list of selected candidates. The contention of the petitioners is that they did not know about the paper notification and when they reported to duty, they were informed that their names were deleted from the list of selected candidates.

Under the similar circumstances, a Division Bench of this Court gave a judgment on 29-8-2003 in W.A.No.1259 of 2003 upholding the order of the learned Single Judge, who held that it is not permissible for the Corporation to remove the name of the workman from the selected list, when the selection was made through a regularly constituted board.

In the present case also, if the Corporation comes to the conclusion that non-reporting to duty as required under the impugned proceedings dated 19-10-2002 amounts to dereliction of duty, the Corporation is at liberty to initiate action against the petitioners and after a detailed inquiry, appropriate orders may be passed according to Rules, but, without giving any opportunity, removing the names of the petitioners from the list of selected candidates is against the principles of natural justice. Therefore, the action of the respondents in removing the names of the petitioners from the list of selected candidates is arbitrary and the impugned proceedings are liable to be set aside.

In the light of the above circumstances, the impugned proceedings dated 19-10-2002, issued by the respondents in deleting the names of the petitioners from the list of selected candidates, are quashed and the respondents are directed to restore the names of the petitioners into the list of selected candidates and to engage them as they used to be engaged previously till an action, if any, taken by the respondents for the absence of the petitioners in response to the said notice and the punishment if any going to be imposed.

With the above observation, the Writ Petition is allowed. No order as to costs.

_____

12-04-2005

To

1. The Vice Chairman and Managing Director, A.P.State Road Transport Corporation, Musheerabad, Hyderabad.
2. The Regional Manager, A.P.State Road Transport Corporation, Kadapa.
3. The Personnel Manager, Kadapa Region, o/o Regional

Manager, Kadapa Region, Kadapa.

4. Two C.D. copies.

Note:

CC by one week.

(Bo)

sj